

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1250**

T 07-0028

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Illinois Central Railroad Company ("Company"), the Village of Dieterich ("VILLAGE"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the Vine Street highway-rail grade crossing of the Company track in Dieterich, Effingham County, Illinois, designated as crossing AAR/DOT 292 639K, milepost 166.35-X; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system, by the Company.

DOCKETED

- (b) Installation of temporary STOP signs at the Vine Street crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.
- (c) Repair of the existing highway approach grades to meet the minimum requirements of 92 Ill. Adm. Code 1535.204, by the Village.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit B.

Section 4 The Company and the Village shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	VILLAGE	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$124,720	(95%) \$118,484 ¹	\$0	(5%) Remainder ²	\$0
Modify Existing Highway Approach Grades	No Estimate Required	\$0	100% ⁴	\$0	\$0
Install Temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³	\$0
TOTALS	\$124,720	\$118,484	\$0⁴	\$6,236²	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$118,484; any installation costs above the estimated amount of \$124,720 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP SIGNS, if ordered.

⁴ Village responsible for all future maintenance costs associated with the highway approach grades.

Section 6 The Village is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit C. The Village shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: Since the warning device improvements at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

Since the approach improvements at the subject crossing will be performed by the Township, flagging and contractor liability insurance will be required for said work.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits D and D1, along with this executed Agreement.

The Company and the Township shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits D and D1, regarding the progress each has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company or Township Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement, or any Supplemental Order(s) issued for this project, conduct a review to determine if any unused assistance from the Grade Crossing Protection Fund should be deobligated. Upon completion of the review, the Commission shall notify the Department to deobligate all residual funds accountable for installation costs for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company and the Village shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the

- railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
 - d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
 - e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
 - f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
 - g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
 - h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
 - i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
 - j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

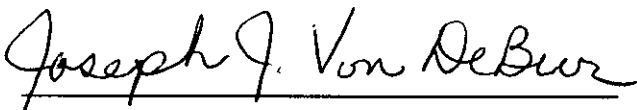
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 3rd day of January 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:

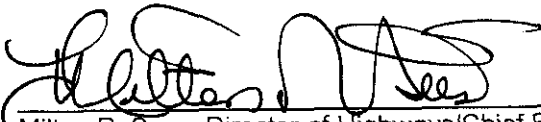


Joseph J. Von De Bur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1250, executed by Commission Staff on January 3, 2007, concerning improvements at the Vine Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in the Village of Dieterich, Effingham County, Illinois, designated as crossing AAR/DOT 292 639K, milepost 166.35-X.

Executed by the Department this 13th day of February 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Milton R. Sees, Director of Highways/Chief Engineer

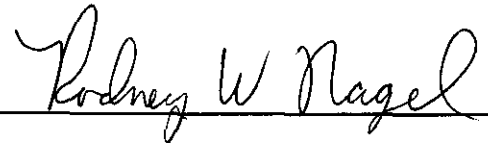
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Executed by the Illinois Central Railroad Company this 9 day of MARCH 2007.

ILLINOIS CENTRAL RAILROAD COMPANY

By: 

Witness:



Illinois Commerce Commission Stipulated Agreement No. 1250, executed by Commission Staff on January 3, 2007, concerning improvements at the Vine Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in the Village of Dieterich, Effingham County, Illinois, designated as crossing AAR/DOT 292 639K, milepost 166.35-X.

Executed by the Village of Dieterich this 26th day of March 2007.

VILLAGE OF DIETERICH

By: Bud Griffith

Attest:

Charles Rae Johnson

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	292 639K, 166.35-X
STREET, CITY, COUNTY	Vine Street, Dieterich, Effingham County
JURISDICTION (RDWY)	Village of Dieterich
LOCATION	Urban, Residential
STREET SURFACE	2-Lane, 2-Way (north-south), 15 Feet Wide, Oil & Chip

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Timber & Asphalt	26 Feet	Fair-Poor

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS	Railroad Street – 78 ft. South
TRAFFIC CONTROL	None
ADT & SPEED	250 Vehicles Per Day @ 25-30 MPH (Not Posted)
TRAFFIC TYPE	Passenger Vehicles with Possible School Busses, Hazardous Materials, Emergency Response and Farm Vehicles
ADVANCE WARNING	W10-1: Advance Warning Sign (N & S)
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8 Per day @ 25-35 MPH, 4 of Switch Movements, Day & Night
PASSENGER TRAFFIC	None
WARNING DEVICES	R15-1: Crossbucks (NE & SW)

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	35	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	208	FEET
Along Tracks	331	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	832	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	Residence
NW	*		*	Building
SE	*	Building	*	Building, Residences
SW	*		*	Residences

*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	99.1	-3.6	25	99.8	-0.8
50	97.9	-4.8	50	99.6	-0.8
100	96.0	-3.8	100	99.5	-0.2

Distance measured from outermost rail.

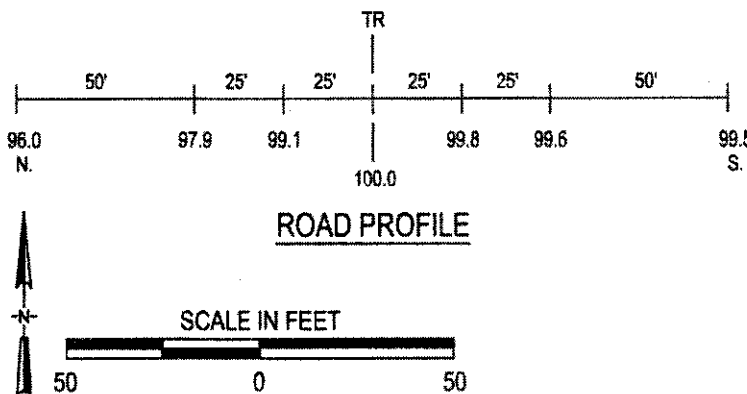
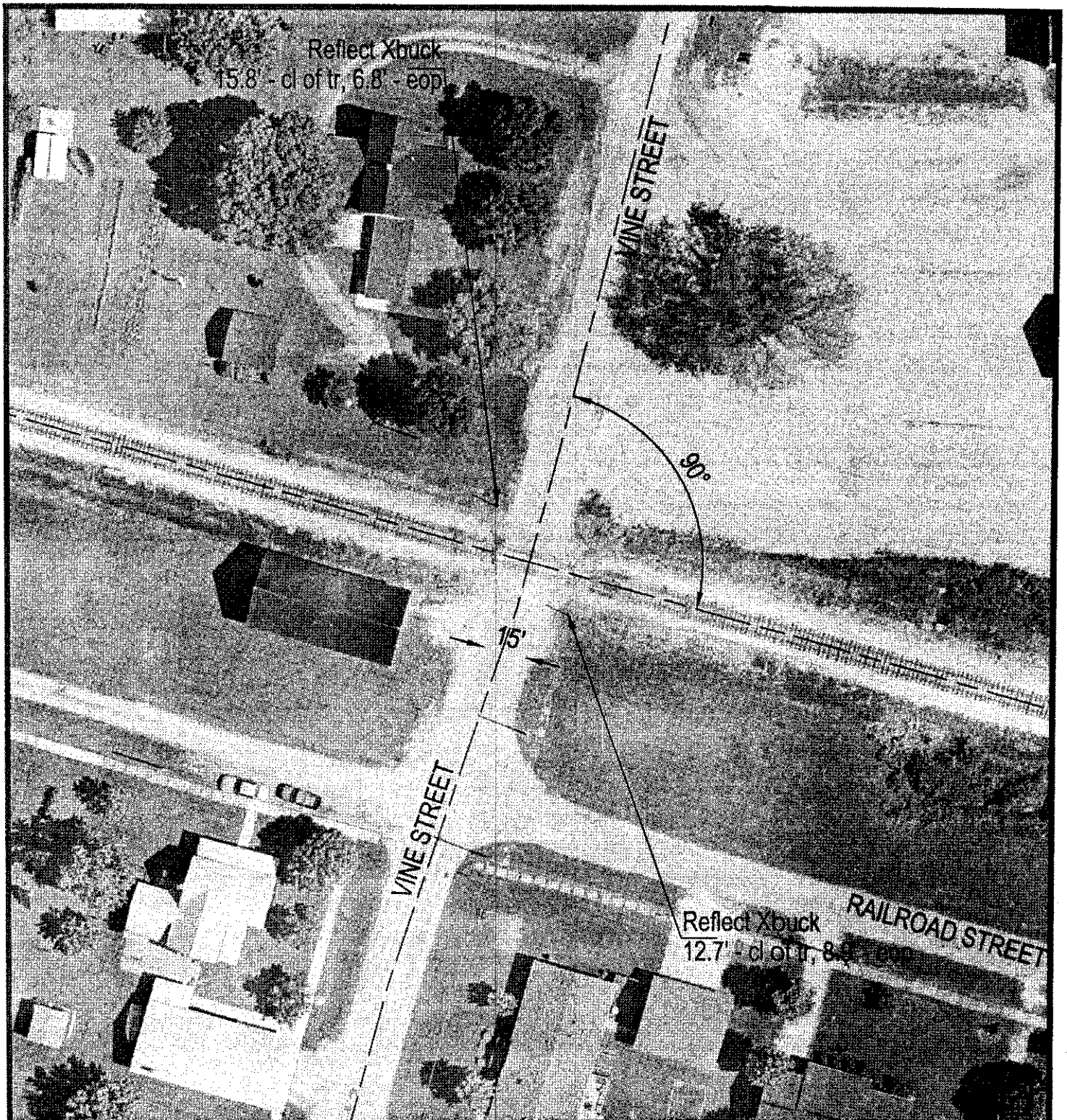
COMMENTS:

Project is part of the Grade Crossing Protection Fund FY07 Program to add automatic flashing light signals and gates.

Proposed Cost Division:

ITEM	GCPF	ICRR	VILLAGE
Signals	95%	5% + Op & Maint	0%
North Approach	0%	0%	100%

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



Crossing #: 292639K
 Location: Effingham Co., City of Deltrich (I)
 Lat/Long: 39°03'33" / 88°22'38"
 Railroad: Illinois Central Railroad Company
 Street: Vine Street
 Railroad Milepost: 166.35-X
 Crossing Protection: Crossbucks (R15-1)

ILLINOIS CENTRAL RAILROAD COMPANY

A WHOLLY OWNED SUBSIDIARY OF

CANADIAN NATIONAL RAILWAY COMPANY

HIGHWAY/RAIL GRADE CROSSING SIGNAL ESTIMATE

Roadway Name: Vine Street
Nearest Station: Dieterich, IL
Railroad Region: Southern
Railroad Subdivision: Effingham
Railroad Milepost: X 166.35
DOT Crossing No.: 292 639K
Valuation Section: IL-2

Date: November 21, 2006

Est 1051-601

Prepared by: WCR

Description of Work: Signal work to install AFLS and Gates.

MATERIAL:

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>		<u>Cost</u>
Landfill	1	LOT	\$1,000.00	\$	1,000.00
Misc. Signal Material	1	LOT	\$500.00	\$	500.00
<u>CROSSING MATERIALS PACKAGE</u>					
GCP4000, 1 Track	1	EACH	\$19,148.00	\$	19,148.00
Narrow Band Shunt, 62775-8621	1	EACH	\$666.00	\$	666.00
Narrow Band Shunt, 62775-1543	1	EACH	\$533.00	\$	533.00
Rectifier, NRS 15110, 20A	1	EACH	\$446.00	\$	446.00
Rectifier, NRS 18120, 40A	1	EACH	\$645.00	\$	645.00
Intelligent Current Sensor, 80271	2	EACH	\$470.00	\$	940.00
FLX-4000 & Gate Assembly, 2-Way	2	EACH	\$7,160.00	\$	14,320.00
Arm, E-Z Gate, 16-24'	2	EACH	\$569.00	\$	1,138.00
Gatekeeper	2	EACH	\$1,303.00	\$	2,606.00
Bell, Electronic	1	EACH	\$235.00	\$	235.00
Battery, Ni-Cad, 250 AH	20	EACH	\$250.00	\$	5,000.00
Foundation, S-2	2	EACH	\$436.00	\$	872.00
Enclosure, Shunt	2	EACH	\$591.00	\$	1,182.00
Pre-Wired Aluminum Bungalow, 6X6'	1	EACH	\$13,450.00	\$	13,450.00
Wire, 2c/6, T10456	300	FEET	\$1.26	\$	378.00
Cable, 3c/6 TECK, T10458	100	FEET	\$4.30	\$	430.00
Cable, 7c/6, 9c/14, T12481	300	FEET	\$6.80	\$	2,040.00
					=====
SUBTOTAL MATERIAL				\$	65,529.00

EXHIBIT B, P1

Vine Street

Page 2

Dieterich, IL

Est 1051-601

LABOR:

SIGNAL LABOR

<u>Item</u>	<u>Gang Days</u>	<u>Cost/Day</u>		<u>Cost</u>
5-man Gang	12	1200.00	\$	14,400.00
SUBTOTAL SIGNAL LABOR				=====
				\$ 14,400.00

MISCELLANEOUS LABOR

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>		<u>Cost</u>
Preliminary Engineering	1	L.S.	\$2,500.00	\$	2,500.00
Construction Engineering	1	L.S.	\$275.00	\$	275.00
Accounting	1	L.S.	\$300.00	\$	300.00
SUBTOTAL MISCELLANEOUS LABOR					=====
				\$	3,075.00
TOTAL LABOR					=====
				\$	17,475.00

OTHER

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>		<u>Cost</u>
Per Diem/Business Expense	1	L.S.	\$3,864.00	\$	3,864.00
Contractor/Rented Equipment	1	L.S.	\$2,400.00	\$	2,400.00
Power Tap	1	L.S.	\$2,000.00	\$	2,000.00
Contract-Crossing System Wiring	1	L.S.	\$6,000.00	\$	6,000.00
Freight on Crossing Package	1	L.S.	\$3,300.00	\$	3,300.00
Contract Engineering	1	L.S.	\$6,000.00	\$	6,000.00
TOTAL OTHER					=====
				\$	23,564.00
TOTAL DIRECT COSTS					=====
				\$	106,568.00

EXHIBIT B, P. 2

Vine Street

Page 3

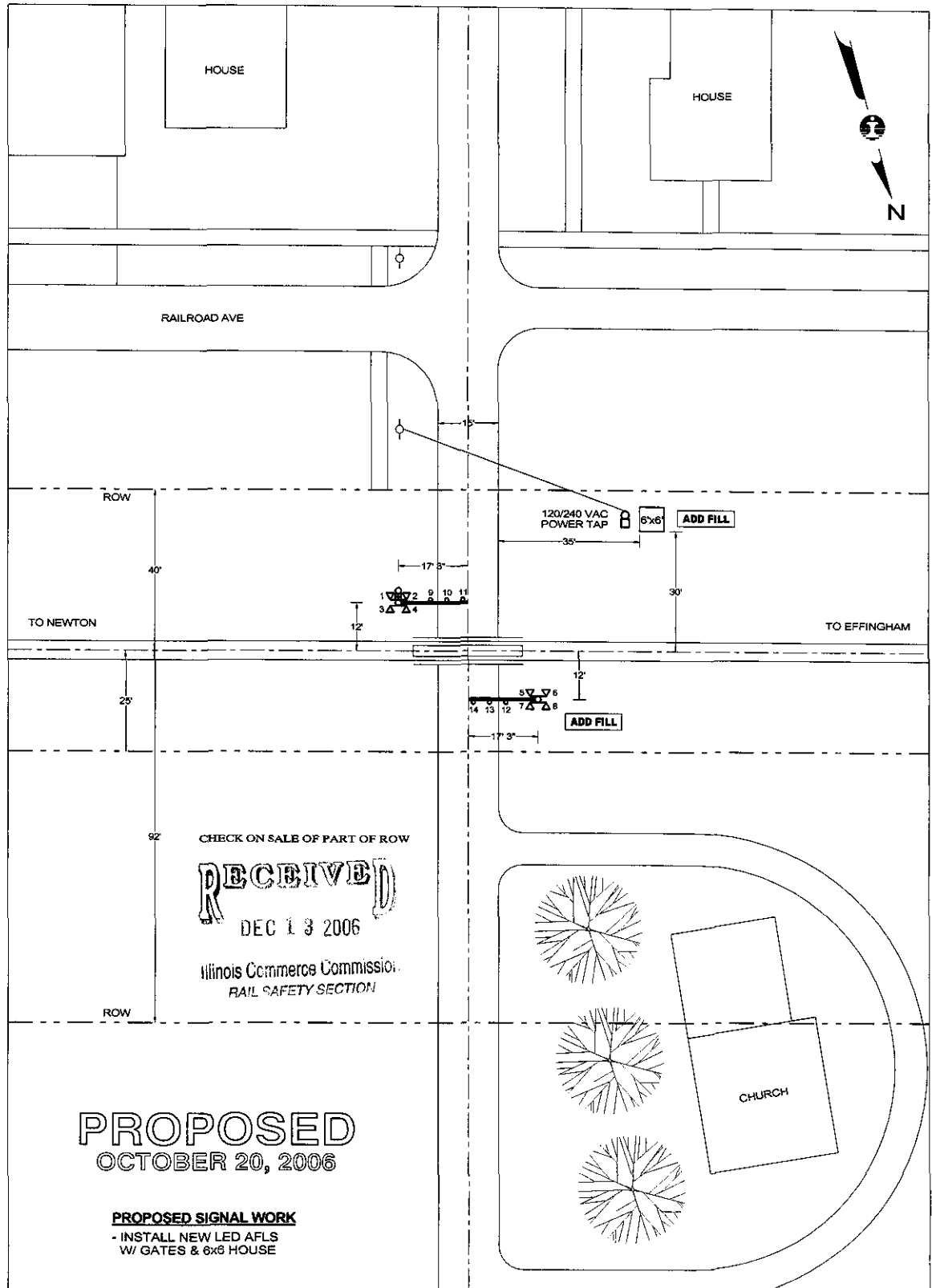
Dieterich, IL

Est 1051-601

FAPG ADDITIVES

Material	\$ 65,529.00	
Material Additive (4.20%)		\$ 2,752.22
Signal Labor	\$ 14,400.00	
Signal Labor Additive (89.34%)		\$ 12,864.96
Engineering Labor	\$ 2,775.00	
Engineering Labor Additive (83.29%)		\$ 2,311.30
Accounting Labor	\$ 300.00	
Accounting Labor Additive (74.34%)		\$ 223.02
Other	\$ 23,564.00	
	=====	=====
TOTAL DIRECT COSTS	\$ 106,568.00	
TOTAL FAPG ADDITIVES		\$ 18,151.50
		=====
GRAND TOTAL FAPG BASIS		\$ 124,719.50

EXHIBIT B, P.3




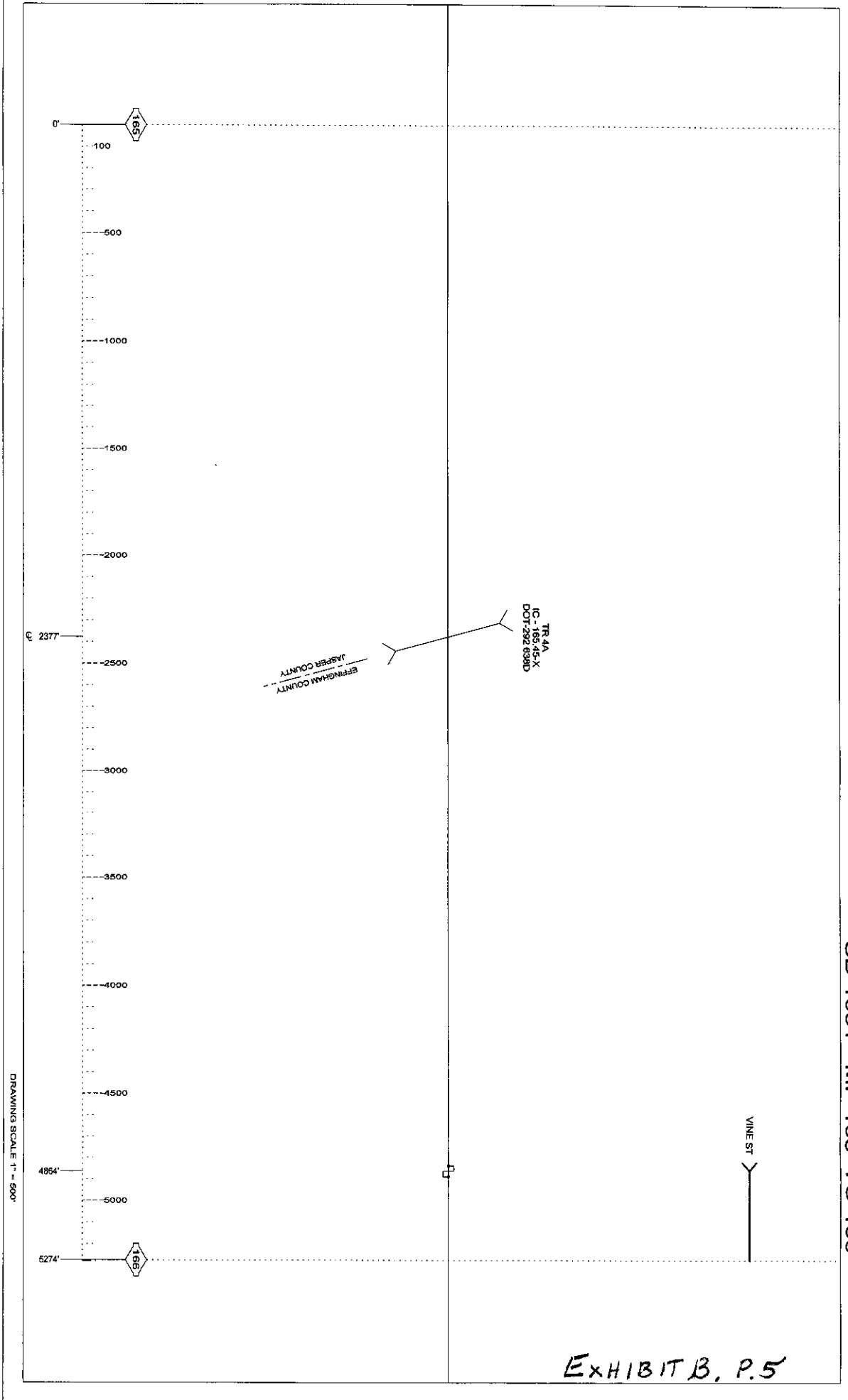
QUADRANT	SE	NW	 SIGNALS & COMMUNICATIONS, ENGINEERING DEPARTMENT	
STANDARD AFLS	LED	LED		
CANTILEVER, FT.	-	-	CITY & STATE	DIETERICH, IL
GATE, FT.	17	17	SD	1051 X
ADDED LIGHTS	-	-	CROSSING	VINE ST
BARRICADE	-	-	DATE	OCT 20, 2006
MULTI-TK SIGN	-	-	IC -	166.35-X
BELL	X	-	DOT -	292 639K
REVISIONS			MIDWEST DIVISION	EFFINGHAM SUBDIVISION
E:\DWG\EPF\16635X.CAD			IN SERVICE	SCALE 1"=30'
				DRAWN BY AVS

EXHIBIT B, P.4



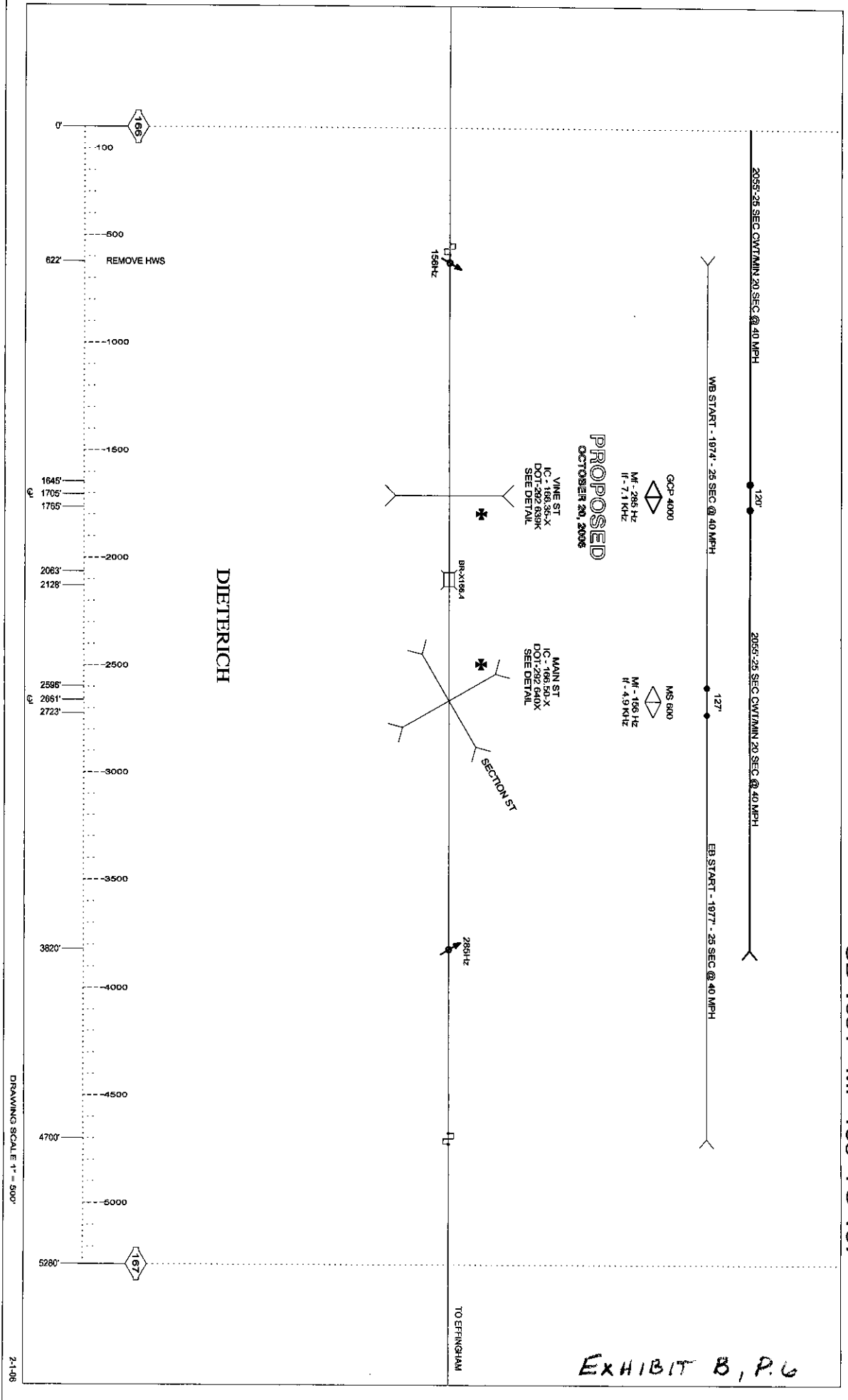


Exhibit C

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1250**

Date 3-26-07

The Board of the Village of Dieterich
(Board or Council of the Village of Dieterich)

meeting on 9-5-06, Resolved to authorize Burl Griffith, Mayor
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Village is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION	

DATE	
------	--

PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company
Docket/Order #; Date:	707-0028
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	292 639K, 166.35-X
Street, (in/near) City, County:	Vine Street, Dieterich, Effingham County
Railroad Company:	Illinois Central Railroad Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Arne Skrodal
Title:	Engineer – Signal Planning
Representing:	Canadian National
Street Address:	17641 South Ashland Avenue
City, State, Zip:	Homewood, Illinois 60430
Office Phone:	(708) 332-3271
Office Fax:	(708) 332-3514
Cellular Phone:	
E-Mail Address:	Arne.Skrodal@cn.ca

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Installation of TEMPORARY STOP SIGNS, within 30 days of Commission Order.
- Installation of automatic flashing light signals and gates, CWT
- Improvement of the approaches to comply with 92 Illinois Administrative Code, Part 1535.204

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If a party would like an electronic copy of this form, would like to submit an electronic copy, or has questions contact:

Joe Von De Bur, Rail Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/rr/library.aspx>

The billing address for **Grade Crossing Protection Fund** reimbursement is:

SIGNAL WORK

Illinois Department of Transportation
Fiscal Control Unit
Bureau of Local Roads and Streets
2300 South Dirksen Parkway
Springfield, Illinois 62764

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>AND</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Village of Dieterich
Docket/Order #; Date:	T07-0028
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	292 639K, 166.35-X
Street, (in/near) City, County:	Vine Street, Dieterich, Effingham County
Railroad Company:	Illinois Central Railroad Company

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PROJECT MANAGER INFORMATION²:

Name:	Lee Beckman
Title:	Village Engineer
Representing:	Village of Dieterich
Street Address:	114 West Washington
City, State, Zip:	Effingham, Illinois 62401
Office Phone:	(217) 347-7262
Office Fax:	(217) 342-3433
Cellular Phone:	(217) 821-5656
E-Mail Address:	mgengineers@mgengineers.com

²Project Manager Information to be submitted by Roadway Authority and Railroad Company

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